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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**State Water Resources Control Board**

Division of Drinking Water

March 11, 2016

System No. 4600069

Certified Mail

No. 7012 3460 0003 1113 2295

Mary Westmoreland  
TNF - Cottonwood Campground  
10811 Stockrest Springs Rd.  
Truckee, CA 96161

TRANSMITTAL OF CITATION NO. 01-02-16C-006

Dear Ms. Westmoreland,

The State Water Resources Control Board, Division of Drinking Water, has issued the TNF – Cottonwood Campground water system a citation, which is attached.

If you have any questions regarding this matter, please call Stephen Rooklidge at (530) 224-2413 or me at (530) 224-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McNamara".

Michael J. McNamara, P.E.  
Lassen District Engineer  
Drinking Water Field Operations Branch

cc: Elizabeth Morgan, Sierra County Environmental Health Department

Enclosure: Citation No. 01-02-16C-006  
Certification of Compliance

sjr \ 4600069 TNF Cottonwood \ File: Enforcement

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



**APPLICABLE AUTHORITIES****Section 116650 of California Health and Safety Code provides:**

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

**California Code of Regulations, Title 22, Section 64424 provides, in relevant parts:**

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24

1 hours of being notified of the positive result. The repeat samples shall all  
2 be collected within the same 24 hour time period.

3 (1) For a water supplier that normally collects one or fewer samples per  
4 month, a repeat sample set shall be at least four samples for each total  
5 coliform-positive sample.

6  
7 (d) If a public water system for which fewer than five routine  
8 samples/month are collected has one or more total coliform-positive  
9 samples, the water supplier shall collect at least five routine samples the  
10 following month.

11  
12 **40 Code of Federal Regulations, Section 141.402, which is incorporated by**  
13 **reference in California Code of Regulations, Title 22, Section 64430 provides, in**  
14 **relevant part:**

15 (2) Sampling requirements. A ground water system must collect, within 24  
16 hours of notification of the total coliform-positive sample, at least one  
17 ground water source sample from each ground water source in use at the  
18 time the total coliform-positive sample was collected under 22 California  
19 Code of Regulations sections 64422 and 64423, except as provided in  
20 paragraph (a)(2)(ii) of this section.

21  
22 **California Code of Regulations, Title 22, Section 64463.7 provides, in relevant**  
23 **parts:**

24 (a) Each water system shall give public notice pursuant to this section if  
25 any of the following occurs:

26 (1) Monitoring violations;

1 (2) Posted public notices shall remain in place for as long as the  
2 violation, variance, exemption, or other occurrence continues, but in  
3 no case less than seven days.  
4

### 5 **STATEMENT OF FACTS**

6 The Campground is located along Highway 89, approximately 5 miles south of  
7 Sierraville. It is open for public use during the months between June and October  
8 each year. The domestic water system is classified as a transient non-community  
9 water system. As such, the Campground is required to collect one routine  
10 bacteriological sample during each month the Campground is open to the public.

11 On August 3, 2015, a routine bacteriological sample was collected from the  
12 Campground's distribution system, which was found positive for total coliform and E.  
13 coli bacteria. A repeat bacteriological sample collected on August 6, 2015, was found  
14 to be negative for E. coli and total coliform bacteria. Upon notification of the positive  
15 sample, the water system was posted as non-potable and the access to hose bibs  
16 were shut off, then disinfected and flushed prior to the repeat sample of August 6,  
17 2015 being collected. No cause for the contamination was found. Routine  
18 bacteriological samples were collected on September 1 and October 5, 2015, which  
19 were negative for total coliform and E. coli. The Campground was closed to the public  
20 for the season on October 8, 2015.  
21

### 22 **DETERMINATIONS**

23 Based on the above Statement of Facts, the Division has determined that the  
24 Campground violated Sections 64424 (a) and (b), Title 22, of the CCR, in that the  
25 Campground did not collect all repeat samples within 24 hours of being notified of the  
26 positive result and did not collect five samples the following month.  
27

**DIRECTIVES**

The Campground is hereby directed to take the following actions:

1. Comply with Sections 64424 and 64430, Title 22, of the CCR in all future monitoring periods.
2. During the first month that the TNF Cottonwood Campground provides water for public use for the 2016 season, five routine bacteriological samples must be collected and analyzed from the water distribution system.
3. Submit a Certification of Public Notification (attached) to the Division, with examples of the notice used in August 2015 to alert the public of the positive samples.

All documents required by this Citation to be submitted to the Department shall be submitted to the following address:

Michael J. McNamara, P. E.  
Lassen District Engineer  
State Water Resources Control Board  
Division of Drinking Water  
364 Knollcrest Drive, Suite 101  
Redding, CA 96002

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, personal or by certified mail, on the Water System

1 Nothing in this Citation relieves the Campground of its obligation to meet the  
2 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California  
3 Safe Drinking Water Act), or any regulation, permit, standard or order issued or  
4 adopted thereunder.

5  
6 The Division reserves the right to make such modifications to this Citation, as it may  
7 deem necessary to protect public health and safety. Such modifications may be  
8 issued as amendments to this Citation and shall be effective upon issuance.

9  
10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the Campground, its officers,  
12 directors, shareholders, agents, employees, contractors, successors, and assignees.

13  
14 **SEVERABILITY**

15 The Directives of this Citation are severable, and the Campground shall comply with  
16 each and every provision thereof, notwithstanding the effectiveness of any other  
17 provision.

18  
19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the Board to: issue citation with assessment of  
21 administrative penalties to a public water system for violation or continued violation of  
22 the requirements of the California SDWA or any permit, regulation, permit or order  
23 issued or adopted thereunder including, but not limited to, failure to correct a violation  
24 identified in a citation or compliance order. The California SDWA also authorizes the  
25 Board to take action to suspend or revoke a permit that has been issued to a public  
26 water system if the system has violated applicable law or regulations or has failed to  
27 comply with an order of the Board; and to petition the superior court to take various

1 enforcement measures against a public water system that has failed to comply with or  
2 violates an order of the Board. The Board does not waive any further enforcement  
3 action by issuance of this citation.

4  
5 3-11-2016

6 Date

Michael J. McNamara

Michael J. McNamara, P.E.  
Lassen District Engineer  
Division of Drinking Water  
State Water Resources Control Board

10  
11 CERTIFIED MAIL 7012 3460 0003 1113 2295



**COMPLIANCE CERTIFICATION**Citation Number: **01-02-16(C)-006**Name of Water System: **TNF – Cottonwood Campground**System Number: **4600069**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of August 2015. In addition, I certify that the TNF – Cottonwood Campground complied with the directives of this citation as indicated below:

| <u>Required Action</u>                          | <u>Date Completed</u> |
|---|-----------------------|
| Public Notification, as required by Directive 3 | _____                 |
| _____   | _____                 |
| Signature of Water System Representative        | Date                  |

Attach a copy of the direct delivery notice used in the August 2015 event to notify the public.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER  
THAN MAY 15, 2016**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.